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## THE IMPROVEMENT OF CRIMINAL STATISTICS IN THE UNITED STATES\*

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The beginnings of the Science of Criminal Statistics may be traced back to the year 1829. In that year, Guerry, whom Von Mayr regards as the founder of Moral Statistics,† published a small pamphlet on criminal statistics. On July 9, 1831, Quetelet delivered before the Royal Academy of Brussels his address, “Recherches sur le penchant au crime aux différens âges.” With the further publication by Guerry in 1833 of his “Essai sur la statistique morale de la France,” the science of criminal statistics may be said to have been fully launched.

In this country, New York state has the honor of being the first government unit of any size to collect data on which statistical studies of crimes and criminals might be based. In the same year that Guerry published his pamphlet on criminal statistics, that is, in 1829, it was made the duty of the clerks of courts of record to enter judgment of any conviction in their minutes and to send to the secretary of state a transcript of these entries ten days after the adjournment of such court.‡ Such material, it was thought, would furnish valuable evidence of the former convictions of old offenders. In the first report of the Secretary of State on this material, appearing in 1838 and covering the period 1830 to 1837, we find frequent references to Quetelet’s book, *Physique sociale, un essai sur le développement des facultés de l’homme*, which had in the meantime been published. The connection, therefore, between the beginnings of criminal statistics on the continent of Europe and in this country is close. Massachusetts and Maine were the next states to collect statistical information on crimes and criminals, and this practice, of compiling data taken from the records of the courts themselves, or from material in the hands of district attorneys or similar officials, soon spread to other states.

Not content with the collection of judicial criminal statistics, two states, Massachusetts first and New York second, in 1834 and 1839 respectively, determined to obtain from those into whose custody prisoners were placed, *i. e.*, the keepers and the sheriffs, certain data somewhat analogous to that obtained from the courts and the court officials. In my book the *History and Organization of Criminal Statistics in the United States*, I have termed statistics of this kind “prison crimi-

\* Read before the eighty-first annual meeting of the American Statistical Association.

† *Statistik und Gesellschaftslehre* (1895), vol. 1, p. 185.

‡ Robinson, Louis N., *Criminal Statistics in the United States*, p. 46.

nal statistics" in order to differentiate between the two sources of statistics of crime and criminals.

The establishment of state boards of charities and correction and of state boards of control has given a further impetus to the collection of both judicial and criminal statistics, and the recent movement to create state departments of public welfare may be expected to further the development of each form of criminal statistics.

Turning now to the efforts to obtain criminal statistics for the country as a whole, we find that it was not until the census of 1850, twenty-one years after New York had begun the task, that the Federal Government became sufficiently interested to collect information of this character, and even then it was done only in a meager and half-hearted way. In fact it was not until 1880, when Mr. Frederick H. Wines was placed in charge of the division of Social Statistics relating to pauperism and crime that a genuine attempt was made to give to the public a statistical picture of our criminal population. Again in 1890, Mr. Wines was placed in charge of this work, and the plan of 1880, with some slight modification, was carried out. Owing to the fact that the work of the decennial enumeration in 1900 was limited to the inquiries relating to population, mortality, agriculture, and manufactures, the collection of criminal statistics by the Bureau of the Census was not made again until 1904.

Although Mr. Wines had planned in 1880 to compile facts obtainable from court dockets, he seemed to have met with little success, and the effort was not repeated by the census officials until 1907. This attempt also proved a failure, and we must, therefore, confess to the world that as a nation we have not yet been able to do more than to collect what I have termed prison criminal statistics, and these only at long intervals.

In 1904, a change in the policy of collecting the prison criminal statistics was made. In 1880, and again in 1890, the statistics dealt with those in prisons on a certain day of the year, but in 1904 the emphasis was placed on those who had been committed during the year, a practice which was followed in the enumeration of 1910 and which all statisticians today will agree ought to have been inaugurated at the beginning.

In 1911, I stated that the criminal statistics which were put out by state governments were, almost without exception, poor, and I have seen little reason to change my opinion of their character since that time. The best criminal statistics we have are those published by the Federal Bureau of the Census, and these are far from satisfactory for two reasons: first, because they appear at such long intervals, and secondly, because they are based on data obtained from institutions

and not from records of the courts and are, therefore, very incomplete, since they do not include those whose punishment is other than commitment. For example, the total number of juvenile offenders committed to juvenile reformatories during the year 1910, is given in the *Report of the Bureau of the Census* as 14,197.\* During the calendar year 1919, 1,242 juvenile offenders were placed on probation by the Municipal Court of Philadelphia alone, a little more than one-twelfth of the total number committed in the United States to juvenile institutions during the calendar year 1910, and more than any one of the forty-eight states, with the exception of New York, committed during that year.

From the summary which I have given of the history of criminal statistics in the United States, it is evident that the beginnings of criminal statistics in Europe antedated by only a few years the beginnings in this country. We cannot, therefore, attribute our poor showing to the newness of the venture. I am not concerned in this paper with an enumeration of our excuses, although it is true that an examination of a few of them will have to be made rather carefully in planning for the future.

Before taking up the problem of improving our criminal statistics, I feel that we should ask ourselves whether this effort is worth while. We know that all the principal European countries have for many years published excellent reports on criminal statistics and have seemed to feel that the work was well worth doing. I, for my part, feel that in the recent report of the Bureau of the Census we can find good reason for continuing the collection of these statistics, incomplete as they are, if we can do no better. I find, for example, that "Of the 493,934 prisoners and juvenile delinquents committed to penal or reformatory institutions in 1910, 278,914, or 56.5 per cent, were committed for non-payment of fine."† That fact alone is sufficient to justify the whole inquiry, since it throws into sharp relief what many of us have long contended, that the poor in this land do not get a square deal from the courts. Let me quote another statement from the same report: "Of the total number of commitments in the year 1910, 170,977, representing 34.6 per cent, or more than one-third, were for drunkenness; 91,928, representing 18.6 per cent, or almost one-fifth, were for disorderly conduct; and 50,302, or 10.2 per cent, were for vagrancy."‡ Together these three crimes account for 63.4 per cent of the total number committed. Even this partial picture, a 63.4 per cent picture, of our criminal class in so far as it is represented

\* "Prisoners and Juvenile Delinquents, 1910," p. 158.

† "Prisoners and Juvenile Delinquents in the United States, 1910," *loc. cit.*, p. 41.

‡ *Ibid.*, p. 30.

by commitments is, in my opinion, a good and sufficient excuse for the time and money spent on getting together the facts. I fully recognize, too, the importance of the studies of individual delinquents made by Healy and others. Their usefulness cannot be exaggerated; but on the other hand they do not constitute a substitute for criminal statistics. Like the work of Le Play, these studies give us information that criminal statistics cannot offer; but it can also be said that criminal statistics afford us information equally valuable, which studies of individual delinquents cannot in the nature of things yield to us.

No student of criminal statistics will be content ultimately with anything less than the collection each year by the Bureau of the Census, of judicial criminal statistics, that is, of statistics made up of data obtained from court records for the country as a whole. I have already pointed out that the prison criminal statistics which the federal government now collects are very incomplete, and with the growth of probation and the development of yet other forms of treatment not of an institutional type these statistics must become still less reliable as a statement of our budget of crimes and criminals. Each one of the years of this new century has seen vast and far-reaching changes in our social system, and we should not have to wait for ten years to find out what these have meant in the way of increasing or decreasing crimes, or altering the composition of our criminal population. I shall look at the problem, therefore, with regard to the ways in which the federal government may secure better judicial criminal statistics.

Let us now return to the plan which the Bureau of the Census inaugurated in 1907. It was decided, I believe, at the outset to limit the scope of the work to certain states and counties. Special agents or clerks were sent into the territory selected and were instructed to copy on individual schedules from court records certain facts regarding each and every criminal handled by the courts during the calendar year 1906. I am sorry that I am unable to give the story of this attempt. It is well known, however, that it failed and that no report containing the facts thus collected ever appeared. Some weeks ago, I made a careful study of all court records, such as the special agents would have consulted in Philadelphia, and I was interested to learn that there is no record of any kind which would yield the social facts relating to the accused individual, questions 16 to 23 inclusive, which were called for on the individual schedule. Neither the transcript from the office of the magistrate, nor the bill of indictment; neither the judge's docket nor the minute book of the clerk, contained any information which would have aided the special agent to fill out his schedule. It would appear, therefore, that one reason for the failure

of this inquiry of 1907 was the absence of a large part of the data called for, and one deduction which can easily be made is that to have secured any success whatsoever, so far as Philadelphia statistics were concerned, the individual schedules should have been in the hands of the clerks of court, or some other official selected for the task, at the beginning of the year 1906. Possibly by paying a small sum for each case, they could have been induced to fill in the schedule as the business of the courts progressed.

I wish now to call attention to the records which are kept by some of our juvenile courts and by other courts of like procedure. Juvenile courts took over from private philanthropic agencies the idea of a face-sheet. There had grown up in private agencies the practice of placing on the first or face-sheet of each case record the relatively permanent facts concerning the case in question. Often attempts have been made to take off data from these face-sheets and to tabulate the facts for statistical purposes. Usually, the compilations have not been such as to merit much approval from statisticians, due perhaps to a lack of discrimination in the selection of facts found on the face-sheets, and to an absence of statistical training on the part of those who devised the face-sheets and also on the part of those who filled them out. An analysis of the average face-sheet reveals the fact that it contains information of three kinds: that necessary (a) for identification; (b) for handling or treating the case; and (c) that which may be considered as truly statistical in character. Failure to recognize these three purposes in a face-sheet has led first of all to an inaccurate formulation of the statistical questions, which should, of course, be made to harmonize both in form and in content with similar questions asked on the population schedule by the Bureau of the Census; secondly, it has led to the compiling of all the facts on the face-sheets, many of which have no scientific statistical value whatsoever. In the Municipal Court of Philadelphia we are now engaged in revising all our face-sheets. We are taking particular pains to have on the face-sheets the same questions which are found on the population schedule, and are printing instructions which will insure that the answers will be given in the same way. We intend to set up in our own court a system of record keeping which will yield all the information that is needed as a foundation for criminal statistics.

I maintain that before the records of our criminal courts are filed away in the burying ground of the Clerks of Quarter Sessions or similar officials, there should be something in the nature of a face-sheet attached either to the bill of indictment or to the record of the procedure before the court as a basis for criminal statistics. If this were done,

special agents could be sent around at regular intervals to copy the information. Otherwise, it can be obtained only by placing the schedules, as I have already suggested, in the hands of court clerks at the beginning of each year, or at the beginning of the year selected, and paying them for filling these out. The difficulty in this scheme is that if the clerk does not fill out the schedule when the accused is before him, he never will or can do it, since there is no record from which he can obtain this information afterwards. The Pennsylvania State Board of Public Charities makes no attempt to secure any social data from prothonotaries regarding the accused, from which I infer that court records throughout the state are similar to those which I found in Philadelphia.

Had time and leisure permitted, I should have liked to determine whether the records that are kept by the courts in other states are similar to those which I have observed in Philadelphia. My knowledge is too limited to enable me to suggest a complete plan for improving the criminal statistics of this country, and I must, therefore, content myself with making the following suggestions to the Bureau of the Census:

1. That the Bureau of the Census be requested to appoint either for full or part time a special agent whose duties shall be:

- (a) To visit the various state boards or state officials charged with the collection of either prison or judicial statistics, and to ascertain the problems with which they are confronted in carrying on this work.

- (b) To visit the offices of district attorneys, clerks of court, institutions, etc., and to examine their systems of record keeping with a view both to noting the facts therein contained and also to devising more adequate systems.

2. That the Bureau of the Census prepare a brief study of the jurisdiction of the courts in each state and keep the same up to date.

3. That on the basis of the report of the special agent and the study of the jurisdiction of the courts, a plan for the further improvement of criminal statistics be formulated, and the aid of such organizations as the American Institute of Criminal Law and Criminology and the Statistical Association be requested in putting the plan into effect.

No paper plan will succeed. Foundation work such as I have suggested will have to be undertaken. Surely, too, we have a right to look to the Bureau of the Census for the long persistent effort which will be needed to make criminal statistics a reality in the United States. Central guidance is also necessary, if there is not to develop such differences of practice by state boards and state officials as will render the task of whipping the statistics of the various states into a unified whole impossible. Many persons will say that the differences already

found in the states regarding penalties and definitions of crimes make the task unthinkable; but these differences have not prevented the collection of fairly good prison criminal statistics and they should not prove to be insurmountable obstacles in the collection of judicial criminal statistics.

Finally, let me say a word to statisticians. Most scientists are Prussians at heart, having as their goal a system of government wherein they will be fixed as bright and immovable stars. In a democracy, however, scientists must fight for their position and for their opinions as vigorously as the veriest ward politicians, and the sooner they realize this, the sooner will science exercise some influence in our government.